

ARTICLE 23

SANITATION

**Published by
BALTIMORE CITY DEPARTMENT OF LEGISLATIVE REFERENCE
Avery Aisenstark, Director
2000**

SANITATION

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**SUBTITLE 1
ADMINISTRATION**

§ 1-1. Public Works to provide sanitation services.

The Director of Public Works shall have charge of the following services in so far as such services or any of them are authorized or required to be done by the City:

(1) the cleaning of the public streets, lanes, alleys, and markets; and

(2) the collection and removal of ashes, garbage, rubbish, and street dirt.

(City Code, 1893, art 48, §187; 1927, art. 44, §3; 1950, art. 31, §1; 1966, art. 23, §1; 1976/83, art. 23, §1.) (Ord. 1882-006; Ord. 1887-021; Ord. 10-478; Ord. 48-402; Ord. 76-144.)

§ 1-2. Use of hydrants.

The Director of Public Works is empowered to use the water from fire hydrants in order to flush the gutters, streets, lanes, alleys, and markets.

(City Code, 1893, art. 48, §201; 1927, art. 44, §30; 1950, art. 31, §23; 1966, art. 23, §23; 1976/83, art. 23, §21.) (Ord. 1880-102; Ord. 48-400; Ord. 76-144.)

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SUBTITLE 2 GARBAGE AND MIXED REFUSE

§ 2-1. Definitions.

(a) *Garbage.*

The term “garbage”, as used in this article, shall be held to include every accumulation of animal, fruit, or vegetable food waste generated by or resulting from the decay, deterioration, storage, preparation, or handling of animal and vegetable matter in any place or at any point where food is prepared or served for human consumption, including all kitchen and dining refuse produced by households, hotels, restaurants, lunch rooms, clubs, hospitals, or any other source whatsoever existing in Baltimore City.

(b) *Mixed refuse.*

The term “mixed refuse” shall be held to include garbage as herein defined, mingled with any 1 or more of the following: paper, pasteboard, rags, mattresses, furniture, clothing, shoes, rubbers, leather, carpets, broken glass, crockery, betties, straw, excelsior, metal, packing boxes, and barrels, broken parts thereof, tin cans, Christmas trees, leaves, and grass cuttings.

(*City Code, 1927, art. 44, §11; 1950, art. 31, §6(a), (b); 1966, art. 23, §6(a), (b); 1976/83, art. 23, §6(a), (b).*) (*Ord. 19-564; Ord. 49-955.*)

§ 2-2. Receptacles.

(a) *Receptacles required.*

Occupants of dwelling houses, proprietors of boarding houses, hotels, restaurants, and other places where garbage or mixed refuse is accumulated, and owners, agents, and occupants of apartment or tenement houses:

(1) shall provide for the use of such premises a sufficient number of receptacles to contain all garbage or mixed refuse which may accumulate on said premises during the usual interval between the collections of garbage or mixed refuse therefrom; and

(2) shall keep such receptacles at all time in good repair.

(b) *Container specifications.*

Each receptacle shall:

(1) be made of metal or other durable material not affected by weather conditions;

(2) have handles and close-fitting covers;

(3) have a capacity of:

(i) not less than 3 gallons; and

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(ii) not more than:

(A) 10 gallons if garbage only is placed therein; or

(B) 20 gallons if mixed refuse, as defined in § 2-1, is placed therein; and

(4) be so constructed that the contents may be removed therefrom easily and without delay.
(*City Code, 1950, art. 31, §3; 1966, art. 23, §3; 1976/83, art. 23, §3.*) (*Ord. 49-955.*)

§ 2-3. Handling.

(a) *Placement in receptacles.*

Occupants of any dwelling house, apartment, or tenement house, and each proprietor of any boarding house, hotel, restaurant, and other place where garbage or mixed refuse is accumulated shall cause all such garbage or mixed refuse from such premises to be put into the receptacle or receptacles provided for that purpose, as required by § 2-2.

(b) *Covering and placement.*

Each person aforesaid:

(1) shall cause each such receptacle to be kept covered continually, except when it is being filled or emptied; and

(2) shall cause each such receptacle to be placed:

(i) in such position as to be easily accessible to the collector; or

(ii) in such manner and at such time or times as may be designated by the Director of Public Works.

(c) *Garbage, etc., to be kept dry.*

All garbage and mixed refuse shall, at all times, be kept as free from dishwater and as dry as practicable.

(*City Code, 1879, art. 23, §92; 1893, art. 48, §189; 1927, art. 44, §8; 1950, art. 31, §4; 1966, art. 23, §4; 1976/83, art. 23, §4.*) (*Ord. 16-138; Ord. 19-564; Ord. 49-955; Ord. 76-144.*)

§ 2-4. Collections.

(a) *Definitions.*

(1) *Condominium.*

“Condominium” means a system of separate ownership of individual units in a multiple-unit building or a series of buildings.

(2) *Cooperative.*

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“Cooperative” means a cooperative housing corporation qualified in Maryland in which each member, by virtue of ownership or membership, has a cooperative interest in the corporation.

(3) *Week.*

For purposes of this section, the word “week” shall be taken to mean Monday to Saturday, both inclusive, in each calendar week.

(b) *Garbage.*

It shall be the duty of the Director of Public Works to collect all garbage, without limitation as a quantity, from all such places when placed in separate receptacles.

(c) *Mixed refuse — quantity limits.*

- (1) It shall be the duty of the Director of Public Works to collect all mixed refuse from all dwelling houses, apartment houses, tenement houses, boarding houses, hotels, restaurants, hospitals, and other places where mixed refuse is accumulated, not exceeding the contents of 8 20-gallon containers per week for each such place, as hereinafter provided.
- (2) The mixed refuse contents of 4 20-gallon containers shall be collected from each such place on each of 2 different days during each week.
- (3) If a regular collection day falls on a holiday and no collection is made on that day, in that event the mixed refuse contents of 8 20-gallon containers shall be collected on the next regular collection day. When the next regular collection day falls in the following calendar week, as herein defined, the aggregate quantity to be collected in said following week shall be the mixed refuse contents of 12 20-gallon containers, the 1st collection to be the contents of 8 containers and the 2nd collection to be the contents of 4 containers.

(d) *Mixed refuse — exceptions.*

- (1) The above limitations of 8 20-gallon containers per week or 4 20-gallon containers per collection day may be exceeded by the Director of Public Works for certain condominiums, cooperatives, and multiple-family structures, other than apartment structures originally built as apartment structures, provided he is authorized to do so by the Board of Estimates, which shall base such authorization upon consideration of public health, safety, and welfare.
- (2) Before requesting authorization to collect mixed refuse from a condominium or a cooperative, the Director shall:
 - (i) receive a written request for such services;
 - (ii) receive documentation that more than 50% of the units in the condominium or cooperative complex are owner-occupied as a primary residence;
 - (iii) have a right of entry agreement with the condominium or cooperative association; and

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- (iv) recommend a feasible means to collect mixed refuse from the condominium or cooperative.

- (3) In order to continue to collect mixed refuse from a condominium or cooperative, the Director must receive biennial documentation that the majority of the units are owner-occupied as a primary residence.

(City Code, 1950, art. 31, §5; 1966, art. 23, §5; 1976/83, art. 23, §§5, 6(c), (d).) (Ord. 49-955; Ord. 53-578; Ord. 66-872; Ord. 76-144; Ord. 88-176.)

§ 2-5. Mixing ashes, plaster, dirt prohibited.

- (a) *Ashes, etc., precluded.*

It shall be unlawful to place or cause to be placed with garbage or mixed refuse, any ashes, plaster, or yard or garden dirt.

- (b) *Occupant to separate out.*

And where such mixture is found in any receptacle, it shall be the duty of the occupant of the premises properly to separate the ashes, plaster, and yard or garden dirt from the other contents.

(City Code, 1927, art. 44, §10; 1950, art. 31, §7; 1966, art. 23, §7; 1976/83, art. 23, §7.) (Ord. 19-564; Ord. 49-955.)

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SUBTITLE 3 ASHES

§ 3-1. Receptacles.

All ashes which are to be collected by the Director of Public Works shall be placed in separate receptacles that:

- (1) are made of metal or other durable material not affected by weather conditions;
- (2) have handles and close-fitting covers;
- (3) have a capacity of:
 - (i) not less than 3 gallons; and
 - (ii) not more than 10 gallons; and

(4) shall be so constructed that the contents may be removed therefrom easily and without delay. (*City Code, 1927, art. 44, §4; 1950, art. 31, §2(b); 1966, art. 23, §2(b); 1976/83, art. 23, §2(b).*) (*Ord. 15-055; Ord. 49-955; Ord. 53-578; Ord. 76-144.*)

§ 3-2. Collections.

(a) *“Week” defined.*

For the purpose of this section, the word “week” shall be taken to mean Monday to Saturday, both inclusive, in each calendar week.

(b) *In general.*

- (1) It shall be the duty of the Director of Public Works to collect all ashes from dwelling houses, apartment houses, and tenement houses, not exceeding the contents of 16 10-gallon containers per week from each house, as hereinafter provided.
- (2) The ash contents of 8 10-gallon containers shall be collected from each dwelling house, apartment house, or tenement house on each of 2 different days during each week.
- (3) If a regular collection day falls on a holiday and no collection is made on that day, in that event, the ash contents of 16 10-gallon containers shall be collected on the next regular collection day. When the next regular collection day falls in the following calendar week, as herein defined, the aggregate quantity to be collected said following week shall be the ash contents of 24 10-gallon containers, the 1st collection to be the contents of 16 containers and the 2nd collection to be the contents of 8 containers.

(c) *Limit on Director’s duties.*

Provided, however, that it shall not be the duty of the Director of Public Works to collect any ashes from any place other than a dwelling house, an apartment house or a tenement house.

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(City Code, 1927, art. 44, §4; 1950, art. 31, §2(a); 1966, art. 23, §2(a); 1976/83, art. 23, §2(a).) (Ord. 15-055; Ord. 49-955; Ord. 53-578; Ord. 76-144.)

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SUBTITLE 4 RECEPTACLES ON COLLECTION DAYS

§ 4-1. General prohibition.

Except as specifically provided in this subtitle, no person may have, keep, or maintain on any street, lane, alley, sidewalk, or other public place in the City, any box, bin, barrel, or other receptacle for the reception of garbage, ashes, litter, or rubbish of any sort.

(City Code, 1950, art. 31, §8(1st sen.)(1st cl.); 1966, art. 23, §8(1st sen.)(1st cl.); 1976/83, art. 23, §8(a.) (Ord. 48-473; Ord. 99-548.)

§ 4-2. Placement on sidewalk for collection.

(a) *In general.*

To facilitate the removal of garbage, ashes, litter, or rubbish on regularly scheduled collection days, the occupant of any premises may:

(1) place suitable receptacles containing garbage, etc., on the sidewalk:

(i) in the rear of the premises; or

(ii) if the rear is not accessible to the collection vehicle, in front or on the side of the premises; and

(2) allow the receptacles to remain until the garbage, etc., has been collected.

(b) *Limitation.*

No receptacle, however, whether filled or empty, may be placed or permitted to remain on any sidewalk for any period longer than necessary under the circumstances at any particular property.

(City Code, 1950, art. 31, §8(1st sen.)(2nd cl.); 1966, art. 23, §8(1st sen.)(2nd cl.); 1976/83, art. 23, §8(b.) (Ord. 48-473; Ord. 99-548.)

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SUBTITLE 5
{RESERVED}

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SUBTITLE 6 MARKETS

§ 6-1. Receptacles required.

All occupants of stalls in the City markets must:

(1) place all vegetable and animal offal or refuse, paper, and other refuse in receptacles or containers; and

(2) place the receptacles or containers near the stalls or in places designated by the Market Master.

(City Code, 1927, art. 44, §17(1st sen.); 1950, art. 31, §12(1st sen.); 1966, art. 23, §12(1st sen.); 1976/83, art. 23, §11(a).) (Ord. 20-375; Ord. 42-736; Ord. 50-1120; Ord. 99-548.)

§ 6-2. Prohibited littering.

No person may throw foodstuffs, garbage, trash, paper, or other refuse on any street running through or bordering on any of the City markets.

(City Code, 1950, art. 31, §12(2nd sen.); 1966, art. 23, §12(2nd sen.); 1976/83, art. 23, §11(b).) (Ord. 42-736; Ord. 50-1120; Ord. 99-548.)

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SUBTITLE 7
DISPOSAL AT CITY INCINERATORS

§ 7-1. Director may accept.

The Director of Public Works or his authorized agent may:

(1) receive at incinerators of the Mayor and City Council of Baltimore, between the hours of 8 a.m. and 4 p.m. on days on which the Mayor and City Council shall collect refuse and mixed refuse, refuse and mixed refuse collected by persons other than the Mayor and City Council of Baltimore; and

(2) use or permit the use of such incinerators for the dumping, burning or other disposal of same. (*City Code, 1966, art. 23, §11(1st sen.); 1976/84, art. 23, §10(1st sen.).*) (*Ord. 59-159; Ord. 60-344; Ord. 66-896; Ord. 70-662; Ord. 75-815.*)

§ 7-2. Fees — in general.

(a) *Basic fee.*

A charge for receipt of such refuse and mixed refuse at the rate of 25¢ per 100 pounds, or fraction thereof, with a minimum charge of \$1 for each single delivery, shall be collected by the Mayor and City Council of Baltimore in such manner as shall be approved by the Director of Finance.

(b) *Remittance to Finance.*

Any moneys collected, directly, by the Director of Public Works or his authorized agent shall be accounted for and paid to the Director of Finance, at such intervals as the Director of Finance may prescribe.

(*City Code, 1966, art. 23, §11(2nd, 4th sens.); 1976/84, art. 23, §10(2nd, 4th sens.).*) (*Ord. 59-159; Ord. 60-344; Ord. 66-896; Ord. 70-662; Ord. 75-815.*)

§ 7-3. Fees — exceptions.

(a) *Private individuals.*

Provided, however, that refuse and mixed refuse delivered to the aforementioned incinerators by individuals by means of private passenger automobiles shall be exempt from any charge.

(b) *Waivers by agreement.*

(1) And provided further, that the Director of the Department of Public Works may, by agreement, waive the charge for the receipt of refuse or mixed refuse delivered by individuals when it was the obligation of the City to collect said refuse and mixed refuse under the provisions of § 2-4 of this article.

(2) In order to properly carry out and enforce the provisions of this section, the Director of the Department of Public Works is duly authorized and empowered to make, adopt, promulgate,

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and amend, from time to time, such rules and regulations as he may deem necessary or proper to carry out and enforce the provisions of this section with regard to the waiver of fees, by agreement.

(City Code, 1966, art. 23, §11(3rd sen.); 1976/84, art. 23, §10(3rd, 5th sens.).) (Ord. 60-344; Ord. 66-896; Ord. 70-662; Ord. 75-815.)

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SUBTITLES 8 TO 10
{RESERVED}

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SUBTITLE 11 SOLID WASTE SURCHARGES

§ 11-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated:

(b) *Approved recycling facility.*

- (1) “Approved recycling facility” means a City-owned recycling facility or a private recycling facility so certified by the Director of Public Works, which processes material into a form or forms for reuse and for which an end user exists.
- (2) The facility need not be located in the City but it must be certified by the Director, at least semi-annually, as a facility which is not a final disposal site or a transfer station to a final disposal site.

(c) *Hauler.*

- (1) “Hauler” means any person who contracts to provide services for collecting or transporting solid waste to a disposal site.
- (2) For the purposes of this subtitle, “hauler” also means any person with a valid demolition permit issued by the Commissioner of Housing and Community Development.

(d) *Person.*

“Person” means an individual, partnership, corporation, firm, association, or other public or private entity, or a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(e) *Recyclable materials.*

“Recyclable materials” means materials:

- (1) not destined for final disposal and for which an end user exists;
- (2) which would otherwise become solid waste for disposal in a solid waste acceptance facility; and
- (3) are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(f) *Residue.*

“Residue” means the material (including, but not limited to, fly ash, bottom ash, and siftings) remaining after the processing of solid waste and after removal of any recyclable materials.

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(g) *Self hauler.*

- (1) “Self hauler” means any person who collects, transports, and disposes of solid waste generated by that person.
- (2) “Self hauler” does not include any person occupying residential property who collects, transports, and disposes of solid waste resulting from the residential use of such property.

(h) *Solid waste.*

- (1) “Solid waste” means garbage, rubbish, refuse, hazardous waste, asbestos, medical waste, rubble, incinerator ash, ash, trash, and other material generated by commercial, industrial, institutional, and residential establishments.
- (2) “Solid waste” does not include:
 - (i) significant pollutants, such as silt or sediment in water resources;
 - (ii) any recyclable materials; or
 - (iii) residue from a waste-to-energy facility.

(i) *Solid waste acceptance facility.*

“Solid waste acceptance facility” means any:

- (1) sanitary landfill;
- (2) transfer facility;
- (3) central processing facility;
- (4) incinerator;
- (5) medical/pathological waste incinerator;
- (6) waste-to-energy facility; or
- (7) any other type of facility that accepts solid waste for disposal, treatment, processing, composting, compacting, or transfer to a solid waste acceptance facility.

(j) *Solid waste generator.*

“Solid waste generator” means any person engaged in an enterprise which generates solid waste requiring collection and hauling to a disposal site.

(*City Code, 1976/83, art. 23, §22.*) (*Ord. 91-757; Ord. 91-784.*)

§ 11-2. *Haulers disposal surcharge .*

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{Section subject to abrogation}

Editor's Note: This subtitle was enacted by Ordinance 91-757, effective July 1, 1991. Section 3 of the Ordinance provided that the provisions of §11-2 (then §§23 and 24) become “of no effect and ... null and void” when Baltimore County enacts a recycling incentive surcharge “similar” to that provided for in §11-3 below (formerly §§25 and 26).

(a) Surcharge imposed.

There is hereby imposed a solid waste hauler disposal surcharge on every hauler or solid waste generator who disposes of or causes to be disposed any solid waste in Baltimore City.

(b) Rate.

The solid waste hauler disposal surcharge is levied at a rate of \$7.50 per ton of solid waste, as determined by the actual weight obtained from the scales located at the solid waste acceptance facility.

(c) Collection.

The solid waste hauler disposal surcharge shall be paid by the hauler and collected by the operator at the solid waste acceptance facility.
(City Code, 1976/83, art. 23, §§23, 24.) (Ord. 91-757.)

§ 11-3. Recycling incentive surcharge.

{Section effective on contingency}

Editor's Note: Section 2 of Ordinance 91-757 provided for the enactment of “the following sections” — presumably, then-§§25 and 26 (§11-3 of this codification) — “if Sections 23 and 24 become null and void pursuant to Sec. 3” . As to Section 3 of that Ordinance, see preceding Editor's Note.

(a) Surcharge imposed.

There is hereby imposed a recycling incentive surcharge on every solid waste generator in Baltimore City.

(b) Rate — in general.

(1) The recycling incentive surcharge is levied at a rate set by the Board of Estimates at a rate recommended by the Director of Finance which would yield substantially the same revenue as the solid waste hauler disposal surcharge provided for in § 11-2 above as a percentage of the total bill presented by a hauler to the solid waste generator for payment.

(2) The total bill:

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(i) *shall include costs for service, including equipment disposal charges, and applicable taxes; and*

(ii) *shall not include any charges for the collection, processing, transporting, and disposition of recyclable materials.*

(c) *Rate — self haulers.*

(1) *A solid waste generator who is a self hauler is subject to the payment of the recycling incentive surcharge.*

(2) *The surcharge rate shall be applied to the lesser of:*

(i) *2 times the amount charged by the solid waste acceptance facility; or*

(ii) *all customary and usual expenses actually incurred by the self hauler as documented on a form provided by the Director.*

(3) *The Director shall adopt such rules, standards, or guidelines to determine the expenses incurred by the self hauler provided for in this subsection.*

(d) *Rate — hospitals.*

Any hospital generating solid waste for delivery to a solid waste acceptance facility shall pay a recycling incentive surcharge at a rate of \$7.50 per ton.

(e) *Collection.*

The recycling incentive surcharge:

(1) *shall be paid by the solid waste generator and collected by the hauler; or*

(2) *shall be paid directly to the Director of Finance by the solid waste generator when self-hauling.*

(f) *Proposed demolition by self-hauler.*

(1) *Any self-hauling generator obtaining a demolition permit shall, 30 days before the demolition begins, estimate the expenses to be incurred, based on the number of loads of demolition debris, the cost of transporting such debris to a disposal site, and the price charged at the disposal site and shall prepay the recycling incentive surcharge.*

(2) *After completion of the hauling of the demolition debris, the contractor may present to the Finance Department receipts from an approved recycling facility and will be refunded that portion of the prepaid surcharge for which receipts prove the materials have been recycled.*

(City Code, 1976/83, art. 23, §§25, 26.) (Ord. 91-757.)

§ 11-4. Collections.

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(a) *Monthly remittance required.*

Commencing on August 25, 1991, with regard to the charge for the surcharges for services rendered during July, 1991, and continuing on the 25th day of each successive calendar month thereafter, every hauler, self hauler, and solid waste acceptance facility shall remit all applicable surcharges due under this subtitle to the Director for the services rendered during the preceding calendar month.

(b) *Forms and information.*

Each monthly remittance shall be:

(1) on the forms prescribed by the Director of Finance; and

(2) accompanied by such other information as may be necessary to fully collect the surcharge imposed by this subtitle.

(City Code, 1976/83, art. 23, §27(a).) (Ord. 91-757.)

§ 11-5. Records.

(a) *General requirements.*

(1) Pursuant to the Ordinance adopting this subtitle, it shall be the duty of every hauler, self hauler, solid waste generator, and solid waste acceptance facility subject to the provisions of this subtitle to keep and preserve, for a period of 4 years, such suitable records as may be necessary to determine the amount of such surcharges for which that person may be liable.

(2) Among the records necessary are:

(i) schedules and locations of disposal and collection;

(ii) amount charged to each customer; and

(iii) any other records determined by the Director of Finance to be necessary to the proper oversight of the surcharges.

(b) *Additional requirements for haulers and self haulers.*

Every hauler and self-hauling solid waste generator shall keep records and receipts relating to the final destination of recyclable materials that were transferred.

(c) *Inspections.*

The Director or the Director's agent shall have the right to inspect these records during regular business hours.

(d) *Failure to keep.*

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If any person fails to keep records from which the surcharge imposed by this subtitle may be accurately computed, the Director of Finance may make use of a factor developed by surveying other operators of a similar type, or otherwise, compute the amount of surcharge due, and this computation shall be prima facie correct.

- (e) Recyclable materials which are taken to a non-approved facility are not exempt from the recycling incentive surcharge.

(*City Code, 1976/83, art. 23, §27(b).*) (*Ord. 91-757.*)

§ 11-6. Sale, etc., of business.

Whenever any person required to pay a surcharge hereunder ceases doing business or otherwise disposes of his or her business:

- (1) any monies due hereunder shall immediately become due and payable; and

- (2) that person shall within 3 days of cessation or disposition of the business submit the required receipts and remit the total amount of the surcharge due.

(*City Code, 1976/83, art. 23, §27(d).*) (*Ord. 91-757.*)

§ 11-7. Exemptions.

- (a) *City and County agents.*

- (1) The City of Baltimore and any authorized agents of the City, and Baltimore County or any authorized agents of the County are exempted from any solid waste surcharge.

- (2) The Water and Waste Water Enterprise Fund of Baltimore City is not exempt from any solid waste surcharge.

- (b) *Harbor cleanup.*

Solid waste from harbor area clean-up activity normally delivered to a solid waste acceptance facility owned and operated by the City of Baltimore, by the Maryland Port Authority, is exempt from the solid waste hauler disposal surcharge.

- (c) *Certain nonprofit organizations.*

Any solid waste hauled from a nonprofit organization (as defined in § 11-204(a)(3) and (d) of the State Tax-General Article) certified as to its nonprofit status by the Director of Finance, which is otherwise exempt from disposal fees charged by a solid waste acceptance facility which generally charges haulers disposal fees for acceptance of their solid waste, shall not be subject to the solid waste hauler disposal surcharge only with regard to disposal at such solid waste disposal acceptance facility.

- (d) *Neighborhood improvement associations.*

Neighborhood improvement associations are exempted from the solid waste hauler disposal surcharge for solid waste (described in agreements between the neighborhood association and the

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City of Baltimore in an agreement approved by the Board of Estimates) delivered by the neighborhood association to solid waste acceptance facilities owned and operated by the City of Baltimore.

(e) *Loads under 1 ton.*

Loads under 1 ton delivered to solid waste acceptance facilities owned and operated by the City of Baltimore shall be exempted from the solid waste hauler disposal surcharge.
(*City Code, 1976/83, art. 23, §28.*) (*Ord. 91-757; Ord. 94-401.*)

§ 11-8. Interest and penalties.

Whenever any person required to pay a surcharge hereunder fails to collect and/or remit to the Director of Finance the surcharge imposed by this subtitle within the time limited therefor, that person shall be assessed by the Director of Finance:

- (1) the amount of the surcharge due;
- (2) interest at the rate of 1% per month or any fraction thereof; and
- (3) a penalty of 10% of the surcharge due.

(*City Code, 1976/83, art. 23, §27(e).*) (*Ord. 91-757.*)

§ 11-9. License revocation.

Any hauler who violates any provision of this subtitle shall, in addition, be subject to revocation of the solid waste collection permit issued to the hauler by the Commissioner of Health under the provisions of Title 7, Subtitle 2, of the Health Code of Baltimore City.
(*City Code, 1976/83, art. 23, §29(b).*) (*Ord. 91-757.*)

§ 11-10. Director of Finance to administer.

In addition to the above powers granted to the Director of Finance, the Director is hereby authorized to:

- (1) make, adopt, and amend such rules and regulations as may be deemed necessary or proper:
 - (i) to fully collect the surcharge; and
 - (ii) to define any terms used in connection with the imposition and collection of the surcharge;
- (2) compromise disputed claims in connection with the surcharge and for good and sufficient cause shown to waive interest and penalty;
- (3) to extend, for good cause shown, the time for remitting any surcharge required to be paid for such period of time as may be deemed reasonable; and
- (4) to develop procedures to identify haulers used by solid waste generators.

(City Code, 1976/83, art. 23, §27(c.) (Ord. 91-757.)

§ 11-11. Severability.

In the event that it is judicially determined that a word, phrase, clause (including exemptions), sentence, paragraph, section, or part in or of this subtitle or any application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this subtitle without the word, phrase, clause (including exemptions), sentence, paragraph, section, or part of the application thereof so held invalid.

(City Code, 1976/83, art. 23, §30.) (Ord. 91-784.)

§ 11-12. Criminal penalties.

(a) *In general.*

Any person who violates any provision of this subtitle shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500.

(b) *Each day a separate offense.*

Each day that a person violates a provision of this subtitle shall be considered a separate offense.
(City Code, 1976/83, art. 23, §29(a.) (Ord. 91-757.)

SANITATION

SUBTITLES 12 TO 15
{RESERVED}

BALTIMORE CITY CODE

SUBTITLE 16
COMPOSTABLE YARD WASTE

§ 16-1. “Yard waste” defined.

“Yard waste” includes grass, leaves, tree limbs, wood, and other natural byproducts of land maintenance operation.

(City Code, 1976/83, art. 23, §31(a)(2nd sen.).) (Ord. 92-113.)

§ 16-2. No disposal at Quarantine Landfill.

After March 1, 1993, compostable yard waste shall not be disposed of at the Quarantine Landfill.

(City Code, 1976/83, art. 23, §31(a)(1st sen.).) (Ord. 92-113.)

§ 16-3. Recycling plan.

(a) *Public Works to develop.*

The Director of Public Works shall prepare a comprehensive recycling plan for composting at facilities operated by the City, individuals, and corporations.

(b) *Scope of plan.*

The plan shall include:

(1) provisions for a City composting facility;

(2) standards for the operation of private individual and corporate composting facilities; and

(3) any other provisions relating to the process of providing for a comprehensive composting plan for the City of Baltimore.

(City Code, 1976/83, art. 23, §31(b).) (Ord. 92-113.)

§ 16-4. Rules and regulations.

The Director of Public Works is authorized to adopt rules and regulations to enforce provisions of this subtitle.

(City Code, 1976/83, art. 23, §31(c).) (Ord. 92-113.)

§ 16-5. Penalties.

The Director of Public Works shall recommend to the City Council penalties for the violations of the provisions of this subtitle on or before 3 months after the date of passage of this subtitle.

(City Code, 1976/83, art. 23, §31(d).) (Ord. 92-113.)

SANITATION

SUBTITLES 17 TO 20
{RESERVED}

BALTIMORE CITY CODE

SUBTITLE 21
GENERAL PENALTIES

§ 21-1. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, the following provisions of this article may be enforced by issuance of an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}:

- (1) § 2-2 {"Garbage and Mixed Refuse: Receptacles"};
- (2) § 2-3 {"Garbage and Mixed Refuse: Handling"}; and
- (3) § 4-1 {"Receptacles on Collection Days: General prohibition"}.

(b) *Remedy not exclusive.*

The issuance of an environmental citation to enforce these sections does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(*City Code, 1976/83, art. 23, §12(c).*) (*Ord. 99-548.*)

§ 21-2. Criminal Penalties.

(a) *In general.*

Any person who violates any provision of this article is guilty of a misdemeanor and, unless a different penalty is specified, is subject on conviction to a fine of not more than \$100 for each offense.

(b) *Community service.*

In addition to or instead of a fine, a judge may sentence a person convicted under this section to perform community service on behalf of the City of Baltimore, which may include cleaning property of trash and litter.
(*City Code, 1927, art. 44, §16; 1950, art 31, §13; 1966, art. 23, §13; 1976/83, art. 23, §12(a), (b).*)
(*Ord. 19-564; Ord. 83-1049; Ord. 99-548.*)